

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In re)	
)	
MARITIME COMMUNICATIONS/LAND	)	EB Docket No. 11-71
MOBILE, LLC	)	File No. EB-09-IH-1751
	)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of Various)	
Authorizations in the Wireless Radio Services)	
)	
Applicant for Modification of Various)	
Authorizations in the Wireless Radio Services)	
	)	Application File Nos. 0004030479,
Applicant with ENCANA OIL AND GAS (USA),	)	0004144435, 0004193028,
INC.; DUQUESNE LIGHT COMPANY; DCP	)	0004193328, 0004354053,
MIDSTREAM, LP; JACKSON COUNTY RURAL	)	0004309872, 0004310060,
MEMBERSHIP ELECTRIC COOPERATIVE;	)	0004314903, 0004315013,
PUGET SOUND ENERGY, INC.; ENBRIDGE	)	0004430505, 0004417199,
ENERGY COMPANY, INC.; INTERSTATE POWER	)	0004419431, 0004422320,
AND LIGHT COMPANY; WISCONSIN POWER	)	0004422329, 0004507921,
AND LIGHT COMPANY; DIXIE ELECTRIC	)	0004153701, 0004526264,
MEMBERSHIP CORPORATION, INC.; ATLAS	)	0004636537 & 0004604962
PIPELINE – MID CONTINENT, LLC; DENTON)	
COUNTY ELECTRIC COOPERATIVE, INC., DBA)	
COSERV ELECTRIC; AND SOUTHERN)	
CALIFORNIA REGIONAL RAIL AUTHORITY)	


**SUPPLEMENT TO MARITIME’S OPPOSITION TO
SUPPLEMENT TO INTERLOCUTORY APPEALS**

Maritime Communications/Land Mobile, LLC (“Maritime”), by undersigned counsel, hereby submits this supplement to its September 30, 2015, opposition to the *Supplement to Interlocutory Appeals*.

At page 14, footnote 43, of the supplement, Maritime referenced a federal district court ruling imposing Rule 11 sanctions on Verde Systems, LLC (then named Telesaurus VPC, LLC). *Telesaurus VPC, LLC v. Power*, 888 F. Supp. 2d 963 (D. Ariz. 2012). The U.S. Court of Appeals for the Ninth Circuit subsequently affirmed the lower court on both the merits and the imposition

of sanctions.¹ It has come to Maritime's attention that, on October 5, 2015, the U.S. Supreme Court denied the petition for writ of certiorari filed by Telesaurus/Verde.²

Respectfully submitted,

By: 
Robert J. Keller
Counsel for Maritime
Communications/Land Mobile, LLC

LAW OFFICE OF ROBERT J. KELLER, P.C.
P.O. Box 33428 – Farragut Station
Washington, D.C. 20033-0428
Telephone: 202.656.8490

Dated: October 20, 2015

¹ A copy of the Ninth Circuit order is appended hereto as Attachment A.

² Appended hereto as Attachment No. B is an excerpt (pages 1 and 10) from the Court's Order List for October 5, 2015. The Telesaurus/Verde matter is Case No. 14-1314, on page 10.

FILED

OCT 03 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TELESAURUS VPC, LLC, a Delaware
Limited Liability Company, currently
known as Verde Systems, LLC,

Plaintiff - Appellant,

v.

RANDY POWER, an individual;
RADIOLINK CORPORATION,

Defendants - Appellees.

No. 12-16399

D.C. No. 2:07-cv-01311-NVW

MEMORANDUM*

TELESAURUS VPC, LLC, a Delaware
Limited Liability Company, currently
known as Verde Systems, LLC,

Plaintiff - Appellant,

v.

RANDY POWER, an individual;
RADIOLINK CORPORATION,

Defendants - Appellees.

No. 12-16984

D.C. No. 2:07-cv-01311-NVW

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

Appeal from the United States District Court
for the District of Arizona
Neil V. Wake, District Judge, Presiding

Argued and Submitted September 11, 2014
San Francisco, California

Before: WALLACE, SCHROEDER, and W. FLETCHER, Circuit Judges.

Plaintiff-Appellant Telesaurus VPC appeals from the district court's orders granting summary judgment to the defendants and imposing sanctions under Federal Rule of Civil Procedure 11. We affirm.

This appeal is the latest chapter of long-running litigation between Telesaurus and RadioLink over the use of certain radio frequencies. In an earlier appeal, we affirmed the district court's dismissal of all of Telesaurus' claims, but remanded to the district court to permit Telesaurus an opportunity to amend the complaint to state a claim under 47 U.S.C. § 206 against a common carrier. *Telesaurus VPC, LLC v. Power*, 623 F.3d 998 (9th Cir. 2010).

On remand, Telesaurus amended its complaint to assert, using only the conclusory language of the statute, that RadioLink was a common carrier within the applicable definition. The district court then granted RadioLink's motion for summary judgment, concluding that, on the record before it, there was no basis for any finding that RadioLink was a common carrier.

Telesaurus' principal argument throughout the litigation to support common carrier status has been that RadioLink was using frequencies presumptively reserved for common carriers. This court has previously rejected that argument. *Telesaurus*, 623 F.3d at 1005. The record contains no support for Telesaurus' continuing contention that RadioLink service was made available to the public.

The district court imposed sanctions on Telesaurus under Rule 11, in the amount of \$107,797.50 in fees and \$5,346.02 in costs. The record supports the district court's conclusion that Telesaurus, rather than its counsel, was responsible for the multiplication of baseless proceedings in the litigation. There was no material violation of the safe harbor provisions of Rule 11, and the record contains no basis for disturbing the district court's calculation of the amount of the fees. There was no abuse of discretion.

AFFIRMED.

(ORDER LIST: 577 U. S.)

MONDAY, OCTOBER 5, 2015

CERTIORARI -- SUMMARY DISPOSITIONS

14-1115 BANK OF AMERICA, N.A. V. HACKBART, JUDITH L.

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *Bank of America, N. A. v. Caulkett*, 575 U. S. ____ (2015).

14-1322 HERSON, JEFFREY, ET AL. V. RICHMOND, CA

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Ninth Circuit for further consideration in light of *Reed v. Town of Gilbert*, 576 U. S. ____ (2015).

14-9707 BEALE, ROYLIN J. V. MADIGAN, J. P., ET AL.

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Fourth Circuit for further consideration in light of *Kingsley v. Hendrickson*, 576 U. S. ____ (2015).

14-9971 WELCH, RAYMOND M. V. UNITED STATES

The motion of petitioner for leave to proceed *in forma pauperis* and the petition for a writ of certiorari are granted. The judgment is vacated, and the case is remanded to the United

14-1288 CAIN, WARDEN, ET AL. V. WOODFOX, ALBERT
14-1291 ROSEBROUGH, TAMMY V. BUCKEYE VALLEY HIGH SCHOOL
14-1295 JEREZ, NILO V. CUBA, ET AL.
14-1299 FELDER'S COLLISION PARTS, INC. V. ALL STAR ADVERTISING, ET AL.
14-1301 MARTIN, LORRAINE V. HEARST CORPORATION, ET AL.
14-1302 YEAGER, DONALD J. V. FIRSTENERGY GENERATION CORP.
14-1308 BIERLEY, HARRY L. V. SAMBROAK, ROBERT
14-1312 JONES, BRANDON A. V. CHATMAN, WARDEN
14-1313 STEPHENS, HENRY V. UNITED STATES
14-1314 TELESARUS VPC, LLC V. POWER, RANDY, ET AL.
14-1315 SANTOS-BUCH, ALAN V. FINANCIAL INDUSTRY REGULATORY
14-1316 COULTER, JEAN V. ALLEGHENY CTY. BAR ASSN., ET AL.
14-1317 PHI INC. V. ROLLS ROYCE CORP., ET AL.
14-1318 DIX, GERALD V. CLANCY, DIR., U.S. SECRET SVC.
14-1319 DEVLIN, WILLIAM N., ET UX. V. WELLS FARGO BANK, N.A.
14-1320 DM RECORDS, INC. V. ISBELL, ALVERTIS
14-1321 HENDERSON, GWEN, ET AL. V. SHANKS, JOHN, ET AL.
14-1323 HOFFMAN, HARVEY V. BAYLOR HEALTH CARE SYSTEM
14-1324 WARD, ELLA V. McDONALD, SEC. OF VA
14-1326 UNITED STATES, EX REL. GRENADYOR V. UKRAINIAN VILLAGE PHARMACY
14-1327 AMAYA, CONCEPCION V. INDYMAC FEDERAL BANK, FSB
14-1328 OTROMPKE, JOHN J. V. HILL, LAWRENCE, ET AL.
14-1335 TILLER, ROBERT C. V. INDIANA
14-1341 GARRETT, MPATANISHI T., ET AL. V. COVENTRY II DDR REALTY
14-1343 REVELES, GUSTAVO V. JOHNSON, SEC. OF HOMELAND
14-1344 JOHNSON, BOBBY, ET AL. V. DRAEGER SAFETY DIAGNOSTICS, INC.
14-1346 BROWN, ARLEN V. LOUISIANA
14-1350 SCHWAB MONEY MARKET FUND, ET AL. V. BANK OF AMERICA CORP.

CERTIFICATE OF SERVICE

I, Robert J. Keller, counsel of record for Maritime Communications/Land Mobile, LLC, hereby certify that I have on this 20th day of October, 2015, caused copies of the foregoing document to be served, by U.S. Postal Service, First Class postage prepaid, on the following:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
455 Twelfth Street, S.W.
Washington, D.C. 20554

Linda Oliver, Esq.
Associate General Counsel
Administrative Law Division
Federal Communications Commission
455 Twelfth Street, S.W.
Washington, D.C. 20554

Jeffrey Blumenfeld, Esq.
Hilla Shimshoni, Esq.
Lowenstein Sandler LLP
2200 Pennsylvania Ave., N.W.
Washington, D.C. 20037
*Counsel for Havens
and the Havens Entities*

Pamela S. Kane, Esq., Deputy Chief
Michael Engel, Esq.
Investigations and Hearing Division
Enforcement Bureau
Federal Communications Commission
445 Twelfth Street, S.W. – Room 4-C330
Washington, D.C. 20554
Counsel for the Enforcement Bureau

Robert G. Kirk, Esq.
Mary O'Connor, Esq.
Wilkinson Barker Knauer, LLP
2300 N Street, NW Suite 700
Washington, DC 20037
*Counsel for Choctaw Telecommunications, LLC and
Choctaw Holdings, LLC*

Matthew J. Plache, Esq.
Law Offices of Matthew J. Plache
5425 Wisconsin Ave., N.W.
Suite 600 – PMB 643
Chevy Chase, MD 20815
Counsel for Pinnacle Wireless

Jack Richards, Esq.
Albert J. Catalano, Esq.
Wesley Wright, Esq.
Keller & Heckman LLP
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001
*Counsel for Enbridge Energy Co., Inc.; EnCana Oil
and Gas (USA), Inc.;
and Dixie Electric Membership Corp.*

Jeffrey L. Sheldon, Esq.
Levine, Blaszak, Block & Boothby, LLP
2001 L Street, NW, Suite 900
Washington, DC 20036
Counsel for Puget Sound Energy, Inc.

Charles A. Zdebski, Esq.
Gerit F. Hull, Esq.
Eckert Seamans Cherin & Mellott, LLC
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
Counsel for Duquesne Light Co.



Robert J. Keller, Counsel for Maritime
Communications/Land Mobile, LLC